

Elder Health Tips

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Office of Elder Health

Bureau of Family and Community Health

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Advance Care Planning: Making Your Wishes Known

If you were in an accident and had a head injury that left you temporarily confused and unable to make any decisions for yourself, whom would the doctor ask to make those important treatment decisions? What if you were permanently in a coma and had no hope of meaningful life? Would your family know what you would want? Would all of your children agree on a plan? Although we can never know what life holds in store for us, we can plan who will make our health care decisions for us if we are not able to do so.

What is an Advance Directive?

An advance directive is a written statement, which you complete in advance of a serious illness. This statement indicates how you want medical decisions made. The two most common forms of advance directives are a health care proxy and a living will. In Massachusetts, the only legally

recognized advance directive is the health care proxy.

What is a Health Care Proxy?

A health care proxy is a legal document that allows you to name a person (called a health care agent) to make health care decisions for you in the event that you are not able to do so for yourself. This document only takes effect if your physician has determined in writing that you lack the capacity to make or communicate health care decisions.

Who Can Be a Health Care Agent?

Any competent adult (18 or older) may serve as a health care agent as long as the agent is not the operator, administrator or employee of a nursing home, hospital or other health care facility, where at the time of completion of the health care proxy, you are a patient, resident

or have applied for admission to the facility. However, an operator, administrator or employee of a nursing home, hospital or other health care facility, may serve as an agent if that person is related to you by blood, marriage or adoption.

You may also name an alternate when the first person you named is not available, willing or competent to make a timely decision.

Who Should Have a Health Care Proxy?

All adults should have a health care proxy. It doesn't matter what your age is, as long as you are 18 or over. An accident or serious illness can happen to anyone.

Why Would I Want a Health Care Proxy?

A health care proxy allows you to decide who will make decisions for you if you cannot. Remember, if you are in a coma or otherwise unable to direct your own care, your treatment will be decided by others, who may not know what you would want. For example, if your family is unable to agree among themselves or if they do not agree with the physician, decisions about your care might be made by the court. A health care proxy can help to minimize conflict among your loved ones. It is also

important to remember that a proxy is useful when you are only temporarily unable to communicate your wishes.

How Should I Go About Getting a Health Care Proxy Form?

There are many ways to get a health care proxy form. For example, you can request a form from the Massachusetts Executive Office of Elder Affairs. Send a self-addressed stamped envelope to 1 Ashburton Place-5th Floor, Boston, MA. 02108. You may also contact Massachusetts Health Decisions; send \$6 for two forms and a booklet to PO Box 417, Sharon, MA 02067.

When you are admitted, hospitals and skilled nursing facilities must offer you the opportunity to complete a health care proxy. The same applies to a person under the care of a hospice or home health agency. You may also contact your lawyer although you do not need a lawyer to complete a health care proxy form.

The form does not even have to be notarized. The form must be signed in the presence of two witnesses who are 18 or older and are not mentioned in the proxy.

What Should I Do With the Form after I Have Signed It?

Make several copies and give one to your health care agent and one to your primary care physician. If you are being admitted to the hospital, bring a copy with you and give it to the admitting clerk. Keep a copy and the original at home with your other important papers. A photocopy is as acceptable as the original.

The Importance of Attitudes and Beliefs

Attitudes and beliefs are an important aspect of our life. They guide our decisions throughout life. Think about what you consider important in life. Consider things such as:

- Your overall attitude toward life and health

What makes life worth living?

What you fear most?

- The kind of care you want and under what circumstances

How you feel about the use of life support equipment such as ventilators or feeding tubes. What about pain management?

What goals do you have for the future?

- Your personal relationships

What roles do your family and friends play in your life?

What are your thoughts about independence? How important is your independence to you?

- Your religious background and spiritual beliefs

How do your religious beliefs affect your feelings toward illness? How does your faith community support you?

- What are your cultural beliefs and practices?

These are often complicated issues and it is important to think carefully about them and to make your wishes known before a crisis arrives.

How Should I Decide Whom to Choose as my Health Care Agent?

Think about the members of your family and your friends. Who is considered the strong one, the one who always seems to manage in a crisis? Who would be available to meet with doctors to discuss your care if you were in the hospital?

Talk with that person. Ask that person if he/she is willing to make decisions for you. Talk about your values and beliefs and the types of treatment you would want in different situations. Consider that person's ability to do what you would want and to not be overly influenced by other family members or friends, or health care professionals. Be sure that this is the person whom you could trust to follow your wishes.

You may only appoint one agent, but you may appoint an alternate in the event that the first person is unable or unwilling to serve if you need him/her.

Be sure to have all the conversations you need to discuss your wishes and beliefs. Take the time you need to develop the plan you want.

What Will My Family Say?

What if other family members don't agree with your choice of agent? We all know that family members sometimes disagree with our decisions. But this is your life. It is important that you choose whoever you think will be the person most able to make tough decisions and follow your wishes.

What Does My Religious Faith Think About Advance Directives?

Most religious leaders have no objections to selecting a health care agent. It is important that you select someone who understands your beliefs and is willing to carry them out if he/she is making decisions for you. Completing a health care proxy form does not mean that you have made any decisions about stopping or starting treatment. If your agent must make these tough decisions, he/she may want to consult with a cleric of your faith for guidance.

Is the Health Care Proxy Form Available in Other Languages?

Yes. Contact Massachusetts Health Decisions (PO Box 417, Sharon, MA 02067) for further information.

Can I Change My Mind?

Yes. Your proxy is revoked if:

1. You sign another one designating someone else
2. You notify your health care agent or your doctor, orally or in writing, that you are revoking it
3. Your spouse is your agent and you become legally separated or divorced from your spouse
4. You tear it up

If you change your mind, you should notify anyone else to whom you have given a copy.

Will My Health Care Proxy be Recognized in Another State?

Each state has its own laws regarding health care proxies and living wills. Some states specifically recognize the forms from other states. Even if it were not recognized by law, an advance directive executed in another state would probably be considered as evidence of the patient's wishes.

If you routinely spend time in another state you may want to complete the appropriate forms in that state as well.

Will My Doctor be Required To Follow my Health Care Agent's Decisions?

In the event that your doctor has determined that you are unable to make your own decisions, the doctor is obligated to follow your wishes providing the health care agent does not request anything that is illegal. If the physician does not agree with the decisions of the agent, the doctor must help the agent find another physician to care for you.

The Comfort Care/Do Not Resuscitate (DNR) Protocol

In a health care setting like a hospital or a nursing home, health providers will attempt to keep the patient alive by administering cardiopulmonary resuscitation (CPR) when a patient's heart stops beating or the patient stops breathing. However, if a patient does not want CPR, the patient must talk to the doctor about getting a Do Not Resuscitate (DNR) order, which would direct the health care providers not to attempt to revive the patient.

The Comfort Care/Do Not Resuscitate Protocol, created by the Massachusetts Department of

Public Health, only applies to out-of-hospital care provided by emergency medical technicians (EMTs). The purpose of the protocol is to make sure that the EMTs do not resuscitate a person who does not want to be revived. A physician, using the forms provided by the Massachusetts Department of Public Health, Office of Emergency Medical Services, must begin this protocol. This means that the EMTs will not begin CPR if they can verify that there is a valid form. Talk to your doctor if you are interested in having a comfort care/do not resuscitate protocol.

What Should I Do Now?

Begin the discussion about health care proxies with your loved ones and set a date by which you will complete the documents.

Remember that a health care proxy is for any adult. Selecting a health care agent and completing the form helps you to retain control of your life, even if you are not competent to make decisions because of an illness or injury.

Where Can I Get More Information?

You may be able to get more information about advance directives from your doctor's office or from the member services office of your health plan. The Executive Office of Elder Affairs

(800-AGE-INFO, 1-800-243-4636) is an additional resource. On the web you can get information from the Hospice & Palliative Care Federation (www.hospicefed.org [select decision making tools]) or from the Massachusetts Medical Society (www.healthcareproxy.org).

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